IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5444 OF 2004
IN
CRIMINAL APPEAL NO.1472 OF 2004

Imtiyaz Ahmed Lalamia
Jainuddin Patrick ....Applicant

V/s

The State of Maharashtra .....Respondent.

Mr. Jahangir A. Khan for the applicant.

Mr. D.P. Adsule, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 17th January, 2005

P.C.

1. Heard the learned Counsel appearing on behalf of the applicant and the learned APP for the State.

2. Applicant is convicted by the Trial Court of the offence punishable under section 489-C of the Indian Penal Code and sentenced to suffer R.I. for four years. Prosecution case is that on an information being given by accused No.1, applicant was apprehended by Police and 8 currency notes of Rs 500/- were seized from his person. In the evidence, both the panchas who had prepared the panchanama turned hostile so far as the identification of this applicant is concerned. There is also discrepancy regarding the recovery of

Mobile Phone from the applicant, inasmuch as though the panchanama refers to the said Mobile Phone being of Alka Tel Company, the Mobile Phone which was found with the Police was of Motorola Company. The only evidence against him is of the Police Officers who had arrested him. Applicant has already undergone 9 months of sentence.

3. In my view, this is a fit case for grant of bail. Considering the fact that 8 currency notes were found, the panchas have not identified the applicant and that the applicant was on bail during trial, the applicant be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. Applicant, however, shall report to Dongri Police Station once is a week.

V.M. KANADE, J.